



Council of the
European Union

Brussels, 6 May 2021
(OR. en)

8483/21

LIMITE

JUR 251
API 72

'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Appeal against the judgment of the General Court in Case T-252/19, L. Pech v. Council - Access to documents (Opinions of the Council Legal Service)

DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (02.06.2021)

1. The note from the Legal Service, as set out in document 8482/21, analyses the judgment of the General Court of 21 April 2021 in Case T-252/19, *L. Pech v. Council*, which has annulled the Council's confirmatory decision¹ refusing full public access to an opinion of the Council Legal Service on the compatibility with the EU Treaties of the proposal for a Regulation on the protection of the Union's budget in case of generalised deficiencies as regards the rule of law in the Member States. In this note is the Legal Service concluded that an appeal against the General Court's judgment before the Court of Justice is justified.

¹ Reply adopted by the Council on 12 February 2019 to confirmatory application 29/c/02/18 for public access to document ST 13593/18. The text of the confirmatory reply is reflected in document 15099/18.

2. In accordance with Article 56 of the Statute of the Court of Justice of the European Union, an appeal against the judgment may be lodged before the Court of Justice within two months of the notification of the decision appealed against. The deadline for submission of an appeal is 2 July 2021.
 3. Upon approval by the Council, the Director-General of the Council's Legal Service intends to appoint **DELETED** to act as the Council's agents with a view to lodging a statement in appeal.
 4. In light of the above, Coreper is invited to recommend to the Council that it approves the lodging of an appeal by the Council to the Court of Justice against the judgment of the General Court in Case T-252/19, *L. Pech v. Council*.
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